



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 10/19/04

AGENDA ITEM 1

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Prezoning Certain Territory Considered in Connection with Zone Change Application Pl-2004-0313 Relating to the Mt. Eden Annexation Area

RECOMMENDATION:

It is recommended that the City Council adopt the attached Ordinance.

BACKGROUND:

The ordinance was introduced at the October 12, 2004, meeting of the City Council with the following vote:

| | | |
|-----------------|------------------|---|
| AYES: | Council Members: | Jimenez, Quirk, Halliday, Ward, Dowling, Henson |
| | Mayor: | Cooper |
| NOES: | Council Members: | None |
| ABSENT: | Council Members: | None |
| ABSTAIN: | Council Members: | None |

The ordinance was published in the Hayward Daily Review on October 16, 2004. Adoption at this time is therefore appropriate.

Prepared by:


Angelina Reyes, City Clerk

Approved by:


Jesús Armas, City Manager

Draft Ordinance

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY
COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL CODE BY PREZONING CERTAIN TERRITORY CONSIDERED IN CONNECTION WITH ZONE CHANGE APPLICATION PL-2004-0313 RELATING TO THE MT. EDEN ANNEXATION AREA

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. **FINDINGS.** Zone Change Application PL-2004-0313 concerns the prezoning of certain parcels located in Alameda County and proposed for annexation into the City, in the Mt. Eden area. The City Council finds and determines as follows:

- A. Substantial proof exists that the proposed prezoning will promote the public health, safety, convenience, and general welfare of the residents of Hayward by prezoning properties to enable annexation of said properties into the City of Hayward and related public infrastructure improvements.
- B. The proposed prezoning is in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans, including the General Plan and the Mt. Eden Neighborhood Plan.
- C. Streets and public facilities existing or proposed to be upgraded will be adequate to serve all uses permitted when property is reclassified.
- D. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, beneficial effects related to annexation and public infrastructure improvements will be achieved, which is not obtainable under existing regulations and conditions.

Section 2. **SCOPE.** This ordinance pertains to the prezoning of certain properties located in the Mt. Eden Annexation Study Area.

Section 3. **ZONE CHANGES.** Article 1 of Chapter 10 of the Hayward Municipal Code is hereby amended to prezone the properties as set forth and identified on the map in Exhibit "A" and the chart in Exhibit "B," incorporated herein by reference.

Section 4. **SEVERANCE.** Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the excised portion, can be reasonably interpreted to give effect to intentions of the City Council.

Section 5. EFFECTIVE DATE. The zoning designations set forth herein shall become effective only at such time as the annexation of the Mt. Eden area is effective.

Introduced at a regular meeting of the Hayward City Council held October 12, 2004, the above-entitled ordinance was introduced by Council Member Dowling.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on October 19, 2004, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

DATED: October 16, 2004

Angelina Reyes, City Clerk
City of Hayward